

<b>Description</b>	County Planning Board January 13, 2009		
<b>Date</b>	01/13/2009	<b>Location</b>	County Planning Board
<b>Time</b>	<b>Speaker</b>	<b>Note</b>	
<a href="#">5:59:34 PM</a>	President Kerry White	<b>Call to Order. Members present:</b> Kerry White, Gail Richardson, C.B. Dormire, Don Seifert, Mike McKenna, Marianne Jackson Amsden, Pat Davis and Byron Anderson. <b>Members absent:</b> Matt Flikkema and Deb Robinson. <b>Staff present:</b> Planning Director Greg Sullivan, Planners Chris Scott, Tom Rogers, Warren Vaughan, and Recording Secretary Glenda Howze.	
<a href="#">5:59:39 PM</a>		<b>Public Comment.</b>	
<a href="#">5:59:46 PM</a>	Terry Threlkeld	Public comment. Requested the Planning Board meetings be web cast at a previous meeting and requested a follow up to see what the outcome of that request was.	
<a href="#">6:00:41 PM</a>	President Kerry White	Explained that this request was placed on an agenda and was voted down. Suggested that Mr. Threlkeld obtain a copy of the recording of that meeting to further understand the opinion of the board members involved in that vote.	
<a href="#">6:02:02 PM</a>	President Kerry White	<b>Approval of December 9, 2008 Minutes.</b>	
<a href="#">6:02:45 PM</a>		The minutes stand approved as written.	
<a href="#">6:02:52 PM</a>	President Kerry White	<b>Planning Department Update.</b>	
<a href="#">6:02:58 PM</a>	Planning Director Greg Sullivan	Announced that the Growth Policy Implementation Planning Committee met today for their third meeting. The next is scheduled for 3:30PM on January 27th. Reminded the Board of the Gravel Pit Task Force meetings, the next one scheduled for January 14th at 7:30AM in the Courthouse conference room 301. Distributed two documents: an APA flyer about practicing consistency between planning documents and implementation; and a document that is a discussion on property rights and land use planning.	
<a href="#">6:05:21 PM</a>	President Kerry White	Noted that C.B. Dormire has a document to distribute along with an explanation.	
<a href="#">6:05:30 PM</a>	C.B. Dormire	Explanation of document; noted that it is a report to the Planning Board on the draft proposed (subdivision regulations) amendments	

		relating to transportation. The transportation related amendments to the County Subdivision Regulations will be an agenda item at the January 27th Planning Board meeting.
<a href="#">6:10:52 PM</a>	President Kerry White	<b>Election of Officers.</b>
<a href="#">6:11:00 PM</a>		Nominations for President.
<a href="#">6:11:09 PM</a>	Pat Davis	Nominated Kerry White as President.
<a href="#">6:11:14 PM</a>	Don Seifert	Second.
<a href="#">6:11:30 PM</a>	C.B. Dormire	Moved to close nominations.
<a href="#">6:11:32 PM</a>	Don Seifert	Second.
<a href="#">6:11:45 PM</a>	President Kerry White	Comments regarding nomination.
<a href="#">6:12:43 PM</a>		[Vote on motion to close nominations.]
<a href="#">6:12:50 PM</a>		Vote: Unanimous.
<a href="#">6:13:01 PM</a>	C.B. Dormire	Move that we dispense with secret ballot and vote by acclamation and let the record show that you were unanimously re-elected.
<a href="#">6:13:14 PM</a>		Vote: Unanimous.
<a href="#">6:13:20 PM</a>		Nominations for Vice President
<a href="#">6:13:26 PM</a>	Gail Richardson	Nominated Marianne Jackson Amsden for Vice President.
<a href="#">6:13:30 PM</a>	Mike McKenna	Second.
<a href="#">6:13:46 PM</a>	Gail Richardson	Comments regarding nomination.
<a href="#">6:14:01 PM</a>	Pat Davis	Moved to close nominations.
<a href="#">6:14:05 PM</a>	Don Seifert	Second.
<a href="#">6:14:06 PM</a>		Vote: Unanimous.
<a href="#">6:14:15 PM</a>	C.B. Dormire	Same motion [that we dispense with secret ballot and vote by acclamation and let the record show that [Marianne] was unanimously elected as Vice President].
<a href="#">6:14:22 PM</a>		Vote: Unanimous.
<a href="#">6:14:35 PM</a>	President Kerry	<b>Consent. Decision on a Recommendation to the County Commission Regarding the Windmill Acres Subsequent Minor</b>

	White	<b>Subdivision.</b>
<a href="#">6:15:16 PM</a>	Gail Richardson	Comments regarding the application. Noted that she talked to Chris Scott about some concerns about water issues. He cleared things up and she no longer felt it necessary to pull this item to the regular agenda.
<a href="#">6:16:28 PM</a>	Don Seifert	Move that we approve the consent agenda.
<a href="#">6:16:35 PM</a>	Gail Richardson	Second.
<a href="#">6:16:43 PM</a>		Vote: Unanimous.
<a href="#">6:16:50 PM</a>		This application will be heard by the County Commission on January 27, 2009.
<a href="#">6:17:32 PM</a>	President Kerry White	<b>Regular Agenda. Public Hearing and Decision on a Resolution Recommending to the County Commission that the Commission Revise the Gallatin County Growth Policy to Include the Proposed Gallatin Gateway Community Plan and Future Land Use Map.</b>
<a href="#">6:17:55 PM</a>	Planner Warren Vaughan	Presentation. Entered full staff report into the record.
<a href="#">6:21:59 PM</a>	Dick Shockley	Presentation. "When, why and how."
<a href="#">6:33:31 PM</a>	Christie Francis	Presentation. Community events that led up to building the plan.
<a href="#">6:42:45 PM</a>	Dick Debernadis	Presentation. Background on the planning that evolved into the boundary of the plan.
<a href="#">6:46:22 PM</a>	Margaret Jarrett	Presentation. Vision and guiding principles.
<a href="#">6:51:03 PM</a>	Planner Warren Vaughan	Further presentation including highlights of the plan, including issues with the billboards and signage along Highway 191.
<a href="#">7:02:42 PM</a>	Matt Donnelly	Presentation. Water and sewer issues.
<a href="#">7:07:17 PM</a>	Nickie Robbins	Presentation. Gallatin Gateway School issues.
<a href="#">7:09:33 PM</a>	Kevin Lauer	Presentation. Fire District comments.
<a href="#">7:15:11 PM</a>	Dick Debernadis	Read a statement by Diane Volkersz, transportation plan committee chairman, into the record.

<a href="#">7:18:22 PM</a>	Planner Warren Vaughan	Noted that the Planning Department is recommending a map amendment in the southeast corner, as well as correcting any notation of this amendment being the southwest corner in the staff report. Noted for the record that Exhibit E shows a gap between Gallatin Gateway and Four Corners, and noted that this may result in more work later for everyone with no policy applying to this section. Detailed the dates and locations of public notice for this hearing. Entered all public comment received into the record including all surveys completed. Also entered public comment received this week: a packet of eleven submittals and most recent letters from Scotty and Debb Smith, John and Merianne Ross, Wes Hargrove, Ron Jarrett, and Charlie and Debbie Allsop (asking that their parcel be removed from the plan). Noted that staff does find that this plan substantially complies with the Growth Policy as well as all other determinations noted on pages 16 and 17 in the staff report.
<a href="#">7:29:36 PM</a>		*The map attached to the plan is not updated, the map included in the Planning Board staff report is correct.
<a href="#">7:30:29 PM</a>	Planner Warren Vaughan	The two 'people' circled in green have requested to be removed from the plan as well as the Allsop's. Also entered a memo from Board Member Deb Kimball Robinson regarding the plan.
<a href="#">7:32:21 PM</a>	Public Comment	Terry Threlkeld, Rick Hargrove, Mary Ellen Stewart, Scott Harvay, Judy Hengel, Brad Parsch, Tim Roark, Brian Persha, Ann Prescott, Don Hargrove
<a href="#">8:06:57 PM</a>		Public Comment was closed.
<a href="#">8:07:01 PM</a>		Board discussion.
<a href="#">8:07:14 PM</a>	Planner Warren Vaughan	Clarified comments made by those making public comment, explaining the difference between gross and net density values as well as commented on 3.3.3 public versus private system if the water and sewer district does not pass in the election tonight. This is a broad based policy plan with opportunity to flesh things out further in the future.
<a href="#">8:09:28 PM</a>	President Kerry White	Inquired about the schedule; when the public received the initial draft and final draft documents. Also inquired about the policy requiring a written request to be removed from the plan as well as a question on the portion proposed to be removed and the green circles indicating properties that requested to be removed.
<a href="#">8:09:47 PM</a>	Planner Warren Vaughan	The initial first draft was presented in June. Based on comment there and over the next few months, the "almost" final draft was presented on October 8th and then a few more changes were made after that presentation. The October 8th draft was mailed to over 600 people the last week of September 2008 in preparation for the October 8th meeting. The policy that stated that a landowner should

		<p>communicate their request in writing if they wanted to be removed from the plan was part of the cover letter attached to the draft for the October 8 meeting. This was in response to the June meeting and some things that came out in August - the survey that was presented in which some people stated that they were not happy with the plan. The policy was included in the cover letter as well as repeated verbally from August until last week. Everyone in the original boundary, even if they had been since excluded, received the copy of the draft at the end of September with the cover letter. Also offered clarification on the parcels that Planning Staff is requesting to exclude as well as the two properties noted as requested to be removed and the additional Allsop property request. Gave explanation of the reason that the Planning Staff is suggesting the removal of property in the southeast corner and the reason they would not recommend excluding the properties circled in green which would result in small "islands" in the middle of the planning area.</p>
<a href="#">8:18:39 PM</a>	Marianne Jackson Amsden	<p>Asked for clarification in the staff report on a directional notation and noted errors in the dates referenced as 2008 but are actually in January 2009 and the resolution states February but should be January. 3.3 Central Water and Sewer, suggested that this should be rephrased to not sound like the community and/or the county is required to or will provide these services. Commented on the equestrian language that is included in some areas and not included in others.</p>
<a href="#">8:23:53 PM</a>	Mike McKenna	<p>5.3 Highway 191 discusses several highway improvements. Asked how these improvements would occur over time and who is responsible for these improvements.</p>
<a href="#">8:24:32 PM</a>	Planner Warren Vaughan	<p>Montana Department of Transportation is responsible for these improvements. MDT told the community to give them the list of desired improvements and asked the plan to have "when warrants are met" language into the document so that when the level of service demonstrates that the need is there, then the improvements will go forward with either doing them completely or requiring the developers to take care of them.</p>
<a href="#">8:26:09 PM</a>	C.B. Dormire	<p>Inquired about 3.1.1, the section regarding the gross density, and asked if this [section] were approved as written and there were in the future a development application that contemplated four and one-half or five, would the fact that it is stated the way it is here, form a legal basis for denying that application? Also asked for clarification on 3.1.2, whether this document will be supplemented later with another document, and whether there is inconsistency in the document at this point. Questioned the goal of section 3.3.3 and inquired as to where the density is laid out.</p>

<a href="#">8:27:09 PM</a>	Planner Warren Vaughan	Explained the density requirements and the fact that this is an average density and how that might look in a given application. Noted policy 3.2, the Central Business District, and the densities related to this area. Suggested other options for language in 3.1.2, noted that the document should be revisited down the road as time progresses and could possibly add something in this area that notes this. The goal of section 3.3.3 is that there are a number of parcels that could be developed in this area and the intent is that as they come through we would work with the developer to lay access pipe so that people could eventually add to it. The point is that they should, at some level, play ball with everyone else. Policy 4.2.2 is where the density requirement is referenced and applies to the rural portion of the plan outside of existing development.
<a href="#">8:36:11 PM</a>	Mike McKenna	Asked for clarification on the action to be taken by the Planning Board; this is amending the Growth Policy.
<a href="#">8:38:35 PM</a>	Don Seifert	I move that we amend the boundary as indicated in Exhibit B and also the inclusion of the Allsop property as listed in the letter from Charlie and Debbie Allsop.
<a href="#">8:39:05 PM</a>	Gail Richardson	Second.
<a href="#">8:39:13 PM</a>		Board discussion.
<a href="#">8:39:19 PM</a>	Mike McKenna	It says in the neighborhood plan that uses will be grandfathered in, so my question is on the areas that are "out," do we need to exclude them?
<a href="#">8:39:39 PM</a>	President Kerry White	The areas that are outside of this neighborhood plan have no regulation. If the zoning is imposed on this portion, this neighborhood planned area, these portions will be outside of that zoned area.
<a href="#">8:40:24 PM</a>	Don Seifert	Offered clarification on the motion, noting that the intent of the motion was to not only amend the boundary per Exhibit B, but to also not include into the area the two circled properties as well as not include the Allsop property within the boundary.
<a href="#">8:41:02 PM</a>		The motion and second were retracted.
<a href="#">8:41:16 PM</a>	Don Seifert	I move that we approve the recommended map amendment, Exhibit B, to alter the boundary map as well as to allow the two indicated properties on Exhibit B and the Allsop property to be excluded from the neighborhood planned area.
<a href="#">8:42:04 PM</a>	C.B. Dormire	Second.
<a href="#">8:42:13 PM</a>		Board discussion.

<a href="#">8:42:16 PM</a>	Byron Anderson	Noted that he still finds this very confusing, noting that none of circled areas need to be addressed in a motion, they are retained if we approve it and we only have to address the recommended staff change.
<a href="#">8:42:41 PM</a>	President Kerry White	The Planning Board is charged with recommending boundaries and so what Don is recommending is that the boundaries around those properties that are requesting to be removed, his motion includes them being removed.
<a href="#">8:43:27 PM</a>	Pat Davis	If the uses, those that they are presently doing, would be grandfathered in, there is no reason to get out.
<a href="#">8:44:28 PM</a>	Byron Anderson	Spoke against the motion noting that he accepts the recommendation of staff to amend the map as suggested but can't support taking those three circled areas out because it wouldn't be contiguous.
<a href="#">8:45:03 PM</a>	Marianne Jackson Amsden	Noted that she agrees with Byron. It would be a real headache and nightmare to manage different jurisdictions and islands within a district. This has been a problem within the City of Bozeman and has been a big problem on the Board of Adjustment on this type of issue. The problem is not just for these landowners, they have a valid point but their concerns can be addressed within this plan. The point they are trying to make is that they don't know what kind of future uses they might have to go to in order to make a living here. I would be in favor of a different motion that would just amend the boundary per the staff's suggestion.
<a href="#">8:46:28 PM</a>	Gail Richardson	I agree with that for the reasons stated. Working with landowners in these situations rather than creating tiny areas within the plan makes much more sense.
<a href="#">8:46:57 PM</a>	Mike McKenna	Asked what the reasons of the people in the two areas other than the Allsop property had for wanting to be excluded.
<a href="#">8:47:11 PM</a>	Planner Warren Vaughan	Stated that they didn't put their opinions in writing.
<a href="#">8:47:33 PM</a>	Kristy Francis	Explained that these properties are the Smith property and Thompson property and that their main concern was that if they were part of the plan they would be responsible through their taxes to support the sewer system in downtown Gateway.
<a href="#">8:48:01 PM</a>	Planning Director Greg Sullivan	Noted that the Board needs to be very careful about excluding properties that are within the existing boundaries of the neighborhood plan. If [the board] does this, the plan must substantially comply with the Growth Policy and [the board] will need to clearly articulate some pretty significant justifications for doing so. Policy 7.1 calls for formation of a zoning district as one of



		the major implementation strategies; those small island properties within the boundaries would result in major problems for the Planning Board and County in dealing with spot zoning. Lastly, grandfathering is required by Montana law, and the existing uses and the nature and extent of those uses would be authorized to continue under the definition of zoning.
<a href="#">8:49:26 PM</a>	Planner Warren Vaughan	In addition to grandfathering, policy 4.3.1 Respect Rural Realities takes into account what the people that live in Gateway do and allows for future flexibility in addition to the grandfathering.
<a href="#">8:50:22 PM</a>		Vote: Motion failed unanimously.
<a href="#">8:50:57 PM</a>	Mike McKenna	Requested something in writing confirming the concerns of the three property owners requesting exclusion before the County Commission hears this matter.
<a href="#">8:51:37 PM</a>	President Kerry White	Noted the determinations that the Planning Board must make, in particular determination number five. Noted that the County Commissioners received approximately 80 oppositions from people that wanted to be excluded from the zone, of varying property size. This could be determined as a letter of request to be removed from the boundary of the district. Stated that he doesn't want people to think that this was their official request to be removed from the boundary. Noted that he has reservations about the boundary of this district without knowing that the concerns of these people has been addressed and whether they really did wish to be excluded. Stated that prior to this going to the County Commission he would like to have this matter addressed; make sure that these folks didn't intend for the signing of this survey to be their request to be excluded.
<a href="#">8:55:04 PM</a>	Planner Warren Vaughan	Noted that thousands of comments were received on this plan. Those surveys were received in August and we spent a lot of time calling these people personally to address the matter. We encouraged them to write a letter if they really wished to be removed. The planning process lasted for two years, we asked for their opinions dozens of times. This petition was a result of a small group of people sitting down individually with people and asking them to check a box. There is a degree of personal responsibility for people to read what they receive and follow up. They also have the opportunity to come and state their case to the County Commission as well. 80-90% of those that signed the document in question were contacted after they had signed to request clarification, and those that did wish to be excluded followed up.
<a href="#">8:57:53 PM</a>	Dick Debernardis	Explained that the individuals who conducted the survey were trying to assist us in determining how many wanted to be part of the plan. This was a one-on-one interview. A lot of people who responded on the survey did so as a result of the information they were provided.



		Subsequent to this, people in the planning group addressed many of those that had signed and were told by these people that they were told that it wasn't a good idea to be in the plan and that they should sign it, so they did. It wasn't like they were given the whole problem. The people that I contacted personally didn't follow up because they really didn't want to be excluded from the plan.
<a href="#">9:00:23 PM</a>	Gail Richardson	Noted that she appreciates the time and effort of everyone that spent time working on this plan. It was difficult at times but the community came together for the common good for the future of the Gallatin Gateway area, and the Planning Board and County Commission recognizes the importance of community driven plans. I'd like to make a motion to recommend to the Commission to amend the boundary in the Southeast according to staff finding number six along with Exhibit B, the map before we get into the actual proposal.
<a href="#">9:01:38 PM</a>	Pat Davis	Second.
<a href="#">9:01:47 PM</a>		Board discussion.
<a href="#">9:01:49 PM</a>	Don Seifert	Stated that he has a philosophical problem of somebody not wanting to be in the system but imposing it on them anyway.
<a href="#">9:02:26 PM</a>	C.B. Dormire	Noted that he is in accord with Don, and pointed out that each of the excluded properties are within one property of being outside or on the boundary. It is not compelling to conclude that just because your neighbor further out wants to be in that it automatically means that you must be in as well. Suggested that there has been tremendous effort on the part of those that have worked to get this to this stage, but there is some unease and we are left to approve this thing in hopes that the Commission will take all that has been said and do the right thing. Stated that he feels this board should be given more recognition and not have things like this be brought in one fell swoop and expect a recommendation in the same meeting.
<a href="#">9:05:36 PM</a>		Vote: [boundary amendment] 6:2; Don Seifert and C.B. Dormire opposed.
<a href="#">9:06:06 PM</a>	Gail Richardson	In looking over all the materials and in listening to testimony we need to determine whether the proposed Gallatin Gateway Community Plan substantially complies with the goals and policies of the Gallatin County Growth Policy and I would move that it does. [Motion is to recommend to the Commission that this plan does substantially comply the goals and policies of the Gallatin County Growth Policy.] (Side bar discussion on process for the motion.) I'll add that we recommend to the Commission that not only does plan substantially comply with the goals and policies of the Growth Policy, but also complies with the County Growth Policy regarding

		amendments and revisions and meets the procedural requirements of 76-1-602 through 604 regarding adoption and revision of Growth Policies; and also we feel that the public comment was adequately addressed as a part of this hearing, along with the staff report and public testimony was done in an appropriate manner and then going on to the fact that this plan revision to the Gallatin County Growth Policy meets the above criteria, the Planning Board then would ask adoption of a resolution recommending adoption of the community plan as a revision of the Gallatin County Growth Policy to the Gallatin County Commission which is scheduled to hear this on January 27th.
<a href="#">9:09:32 PM</a>	Mike McKenna	Second.
<a href="#">9:09:38 PM</a>	Marianne Jackson Amsden	Requested that the motion adopt the staff findings about the compliance with the Growth Policy.
<a href="#">9:09:54 PM</a>	Don Seifert	Commended Warren and the community itself. It is good to have some contention; a little disagreement always makes good policy. Stated that for those of you that weathered through all this, I commend you and Warren.
<a href="#">9:10:31 PM</a>	Marianne Jackson Amsden	Asked a procedural question, noting that she has some amendments to the motion. I would amend the motion to note the date changes on the resolution that this is occurring in January, not February, and also I have real reservations about the last sentence in section 3.3.3 and I would like to amend the motion to strike the last sentence. The reason I feel we should do that [reads the sentence], I agree with Terry Threlkeld that is far too great of burden to bear for one developer; the preceding sentence really addresses this possibility and this concern, that if a centralized sewer and water system does go in it could be accessible to a larger area and that is done in the sentence "New development in the Town Core requiring centralized water and wastewater should be designed to include reasonable, affordable access to the original townsite of Gallatin Gateway." That is what everyone is hoping for, but I don't think it ought to be a condition.
<a href="#">9:12:29 PM</a>	President Kerry White	That is a policy. Your motion has many things within it that could make things complicated. The motion to amend is to make the appropriate changes/corrections to the staff report to correct dates as well as to remove the last sentence of 3.3.3. Asked if Ms. Amsden would be okay with stopping the amendment at the staff report changes and then recommend a second motion to make change to the plan document.
<a href="#">9:13:08 PM</a>	Marianne	Agreed to revise her amendment to be single issue. The amendment

	Jackson Amsden	motion stands at only the corrections to the staff report.
<a href="#">9:13:32 PM</a>	C.B. Dormire	Second.
<a href="#">9:13:36 PM</a>		Vote to amend motion: 6:2; Byron Anderson and Gail Richardson voted nay.
<a href="#">9:13:55 PM</a>	Marianne Jackson Amsden	I would move that the Planning Board recommend to the Commission that it strike from the Gallatin Gateway Community Plan section 3.3.3, the last sentence "New development providing central water and sewer shall be conditioned to provide the option of conversion to a public system in the future."
<a href="#">9:14:28 PM</a>	C.B. Dormire	Second.
<a href="#">9:14:34 PM</a>		Board discussion.
<a href="#">9:14:37 PM</a>	Mike McKenna	Stated that he doesn't understand the reason for the deletion of the sentence. Noted that the sentence states "option." If we have a central water and sewer system it is a public system even if it is held by a private party.
<a href="#">9:15:30 PM</a>	President Kerry White	Offered clarification, that if there is a new subdivision in the area in close proximity to the water and sewer district, they should be conditioned to provide the option of conversion to a public system in the future.
<a href="#">9:16:12 PM</a>	Marianne Jackson Amsden	What this is saying is that if a new development comes in that builds its own private sewer and water system to deal expressly with its subdivision, that it shall be required to hook in the whole of Gallatin Gateway core. They are looking at several options for providing for water and sewer, one is to do it publically, and option two is a private developer coming in and having to take care "ours" too.
<a href="#">9:17:00 PM</a>		Discussion regarding the procedural matter of amending motions.
<a href="#">9:18:18 PM</a>	President Kerry White	This is a policy, not a condition. This condition is saying to provide the option, but there is no condition attached, it is a policy to provide that option if they want to, not a forced thing.
<a href="#">9:18:53 PM</a>	C.B. Dormire	Explained that he seconded motion because the Commission ought to be directed to look at the language in the sections in question and fix those areas that need to be addressed. Stated that he will vote in favor of Marianne's motion in hopes that the Commission does then address it.
<a href="#">9:20:29 PM</a>		Vote: [amendment to motion] 5:3; Byron Anderson, Pat Davis, and Gail Robinson opposed.
<a href="#">9:21:07 PM</a>		Vote: [main motion, as amended] 6:2; Kerry White and Pat Davis

		opposed.
<a href="#">9:21:35 PM</a>		This item will be heard before the County Commission on January 27, 2009.
<a href="#">9:22:00 PM</a>		<b>Other Business.</b>
<a href="#">9:22:04 PM</a>	C.B. Dormire	Reminded everyone to take and look over the report from the subcommittee on the amendments to the transportation portion of the subdivision regulations.
<a href="#">9:23:02 PM</a>		Meeting adjourned.

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